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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Wolfgang R. Streber et al.

Serial No.: 07/322,604

Filed: March 10, 1989



Group Art Unit: 1812

Examiner: J. Ulm

RECEIVED

AUG 27 1996

BOARD OF PATENT APPEALS  
AND INTERFERENCES

For: **MICROORGANISMS AND PLASMIDS FOR 2,4-DICHLOROPHENOXY-  
ACETIC ACID (2,4-D) MONOOXYGENASE FORMATION AND PROCESS  
FOR THE PRODUCTION OF THESE PLASMIDS AND STRAINS**

**STATUS CHECK**

Assistant Commissioner for Patents  
Washington, D.C. 20231

SIR:

Applicants respectfully request that the status of this application, which is with the Board of Appeals, be checked and that a written report of that status be provided.

Applicants filed a Brief on Appeal on August 26, 1996, over four years ago. A Reply Brief to the Examiner's Answer was filed on January 12, 1993, and the Examiner forwarded the application to the Board of Appeals on March 11, 1993. Repeated status inquiries have been made to the Board of Appeals over the last 18 months; for the first several months the file could not be located, but the Clerk refused Counsel's offer to reconstruct the file.

In June 1995, Applicants filed a continuation application, in order to preserve the right to continue prosecution of the important gene claims, as well as the other claims which have not been examined, without the substantial loss of patent term which would result from having to refile the application after June 7, 1995. In August 1995, the Clerk advised the undersigned that the file had been found, and was with a Board Member. Since February 1996, the undersigned has received repeated assurances that the case would be decided "within three months." Applicants have yet to receive a Decision on their appeal.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "D. Hamlet-King".

Diana Hamlet-King, Reg. No. 33,302  
Attorney for Applicants

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